REMARKS

Claims 25 and 26 stand objected to because the claims recite further limitations to the apparatus of claim 24 using language that suggests method steps. Claims 24-26 have been amended to address these informalities. In view of these amendments, withdrawal of the objection to claims 25 and 26 is respectfully requested.

Claims 1-26 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Foster (US Patent No. 6,675,382) in view of Davis (US Patent No. 6,279,154). This contention is respectfully traversed.

With respect to independent claims 1, 15, 18, and 24, the art of record fails to teach or suggest, either alone or in combination, a vendor package template and a package importer to create a package based on the vendor package template, or importing vendor-specific software using a vendor package template to create an X-package having a script. The cited portions of Davis describe an actual installation of a software package and not importation of a software package, such as importation into a distribution management server as in claim 15, that occurs before installation.

Moreover, the third-party configuration file of Davis is not a vendor package template as claimed. Both claims 1 and 15

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recite "a vendor package template that provides a script to install, upgrade, and remove at least one software package", and claims 18 and 24 recite importing "vendor-specific software using a vendor package template to create an X-package having a script." The configuration file of Davis is a file containing a list of components for a third party application; there is nothing in Davis that either teaches or suggests a vendor package template or a script as claimed. Thus, independent claims 1, 15, 18, and 24 should be in condition for allowance.

Dependent claims 2-14, 16-17, 19-23, and 25-26 are patentable based on the above arguments and on their own merits. For example, dependent claim 10 recites, "said X-package further includes a name of a user who imported said at least one software package." Dependent claim 2 has been amended to clarify that the package importer receives <u>an importing user identity</u>. In contrast, the cited portion of Foster refers to including, in a control file of a software package, the name, address and other contact information for the person responsible for maintaining or creating the software package. This is an entirely different type of information, which is used for different purposes. The claimed "importing user identity" received by the package importer can be used to control the process of importing vendor-specific packages, providing an added level of security. See the present specification at page

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5, lines 1-3, and page 8, lines 10-14. New claim 28 has been added to cover use of the importing user identity by the package importer to verify the importing user. Claims 2, 10, and 28 should be in condition for allowance for at least these reasons as well.

It is respectfully suggested for all of these reasons, that the current rejection is totally overcome; that none of the cited art teaches or suggests the features which are now claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Additionally, it is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.
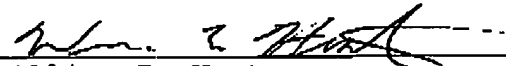
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Please apply $36.00 for excess claim fees and any other

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Respectfully submitted,

Date:_____June 3, 2004_____   ~~~~~~~~~~~~~~~~~~~~~~~~
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